

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PLASTIC GROCERY AND
RETAIL BAGS**

Inv. No. 337-TA-492

**NOTICE OF DECISION NOT TO REVIEW TWO INITIAL DETERMINATIONS
FINDING TWO RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review two initial determination (IDs) issued by the presiding administrative law judge (ALJ) finding respondents Nantong Huasheng Plastic Products Co. ("Nantong") and Bee Lian Plastic Marketing PTE Ltd. ("Bee Lian") in default.

FOR FURTHER INFORMATION CONTACT: Andrea Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone 202-205-3105. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 1, 2003, based on a complaint filed by Superbag Corp. ("Superbag") of Houston, Texas, against four respondents. 68 FR 24755. Superbag's complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and/or sale within the United States after importation of certain T-styled plastic grocery and retail bags that infringe one or more of claims 1-8 and 15-19 of Superbag's U.S. Patent No. 5,188,235. On August 22, 2003, the ALJ issued an

ID (Order No. 7) granting complainant's motion to amend the complaint to add six additional respondents, including Nantong of China, and Bee Lian of Singapore. That ID was not reviewed by the Commission. 68 *FR* 54740 (Sept. 18, 2003).

On December 1, 2003, Superbag moved pursuant to 19 USC 1337(g) and Commission rule 210.16(b), 19 CFR. 210.16(b), for issuance of an order directing Nantong and Bee Lian to show cause why they should not be found in default. On December 10, 2003, the Commission investigative attorney filed a response supporting Superbag's motion. On December 17, 2003, the ALJ issued Orders Nos. 15 and 16, which, respectively, ordered Nantong and Bee Lian to show cause by December 30, 2003, why they should not be found in default. Neither Nantong nor Bee Lian responded to the orders to show cause. Nor did they submit pre-hearing statements or participate in the evidentiary hearing conducted on January 20 and 21, 2004. On January 21, 2004, the ALJ issued two IDs (Orders Nos. 26 and 27) finding Nantong and Bee Lian in default. Under Commission rule 210.16(b)(3), Nantong and Bee Lian are deemed to have waived their rights to appear, to be served with documents, and to contest the allegations at issue in this investigation. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 USC 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR. 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: February 10, 2004